

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANDY DUVET, on behalf of herself and all
others similarly situated,

Plaintiff,

ORDER

19-cv-03744 (PMH)

v.

PINE VALLEY CENTER FOR
REHABILITATION AND NURSING,

Defendant.

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PHILIP M. HALPERN, United States District Judge:

On November 20, 2020, Plaintiff moved under Federal Rule of Civil Procedure 23 to: (1) certify a class as defined in her notice of motion; (2) appoint Plaintiff as class representative; and (3) appoint Plaintiff's counsel, Orin Kurtz of Gardy & Notis, LLP, as class counsel. (*Id.*). In a letter dated July 30, 2021, the parties informed the Court that they have reached a settlement in principle in this matter, as well as in another "separate, yet similar, lawsuit." (Doc. 125 at 1). On August 2, 2021, the Court directed the parties to file settlement documents, including a fairness letter under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), by September 17, 2021. (Doc. 126).

In light of the settlement in principle, Plaintiff's Rule 23 motion is hereby DENIED without prejudice to renewal.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 111.

SO ORDERED:

Dated: White Plains, New York
August 3, 2021

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge